

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JBS PACKERLAND, INC., JBS S.A.,
JBS USA FOOD COMPANY, and
SWIFT BEEF COMPANY,

Petitioners,

vs.

NEBRASKA BEEF, LTD.,

Respondent.

8:23CV153

ORDER

As stated during the conference call held today, ([Filing No. 23](#), audio file),

IT IS ORDERED that Petitioners' motion to compel, ([Filing No. 1](#)), is granted as follows:

- 1) Petitioners are permitted to select a qualified expert to:
 - a. examine Nebraska Beef's AS400 computer system to prepare a cost estimate and plan for pulling the transaction-specific cattle supplier data and related procurement data; and
 - b. pull the AS400 computer information to obtain documents or entries which disclose transaction-specific cattle supplier data and related procurement data, if Petitioners believe the estimate is reasonable and the information to be obtained is worth the cost.
- 2) Petitioners shall pay all costs for completing the cost estimate and plan to obtain documents or entries disclosing Nebraska Beef's transaction-specific cattle supplier data and related procurement data and Petitioners shall pay any costs to retrieve all such data

from Nebraska Beef's AS400 computer system, if they choose to do so.

- 3) Petitioners' cost estimate for expert retrieval of data from Nebraska Beef's AS400 computer system, and any retrieval it chooses to have the expert perform, shall be completed on or before September 8, 2023.
- 4) As to all data gathered by Petitioners' computer expert from Nebraska Beef's AS400 computer system:
 - a. Petitioners shall provide a full and complete copy to Nebraska Beef;
 - b. The data shall be designated and handled as "Highly Confidential – Attorneys' Eyes Only" as that designation is defined under the terms of Protective Order in In Re Cattle Antitrust Litigation, Case No. 0:19-cv-1222 (JRT/HB) (D. Minn. November 4, 2020), with the data available for review only by Petitioners' outside counsel. Petitioners' in-house counsel are prohibited from seeing any data retrieved by Petitioners' retained expert as a result of his or her search for transaction-specific cattle supplier data and related procurement data stored within Nebraska Beef's AS400 computer system; and
 - c. Petitioners may disclose the data to Plaintiffs' counsel in the underlying Minnesota litigation, provided the data is designated and handled as "Highly Confidential--Attorneys' Eyes Only" as that designation is defined under the terms of Protective Order in In Re Cattle Antitrust Litigation, Case No. 0:19-cv-1222 (JRT/HB) (D. Minn. November 4, 2020).

Dated this 1st day of August, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge